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CITY OF PINOLE, SGT. WILL PALMINI, and OFFICER  
MATT MESSIER

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MERCEL GAY,

Plaintiff,

vs.

TOYS R US, a corporation, CITY OF  
PINOLE, a Municipal Corporation, SGT.  
WILL PALMINI, Pinole Police Officer,  
individually and as a Pinole Police  
Department Sergeant, MATT MESSIER,  
individually and as a Pinole Police Officer,  
L. MORRIS, individually and as a Pinole  
Police Officer, and Officer Catherine  
McDonald, individually and as a Pinole  
Police Officer,

Defendants.

Case No. C06-01927 SI

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING ADR CUT OFF  
DEADLINE AND FURTHER CASE  
MANAGEMENT CONFERENCE**

Judge: Honorable Susan Illston

Further CMC: October 19, 2006

Plaintiff Mercel Gay ("Gay"), and Defendants TOYS R US, CITY OF PINOLE, SGT.  
WILL PALMINI, and OFFICER MATT MESSIER ("Defendants"), through their respective  
attorneys of record in this action agree and stipulate as follows:

WHEREAS, the parties previously scheduled an ENE session with evaluator Mr. William  
Chapman for August 25, 2006.

WHEREAS, due to a scheduling problem with an indispensable party representative, the  
ENE conference needed to be continued. The parties then had difficulty rescheduling the ENE  
conference due to evaluator Mr. Chapman's unavailability.

STIPULATION AND ORDER CONTINUING  
ADR DEADLINE AND FURTHER CMC

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WHEREAS, the deadline for the ENE per prior order of the Court was September 25, 2006.

WHEREAS, the parties have now rescheduled the ENE with all parties and evaluator Mr. Chapman for October 31, 2006.

WHEREAS, this matter is currently set for a further Case Management Conference on October 19, 2006, with Your Honor.

WHEREAS, the parties hereby agree to seek an extension of time to perform the ENE in this matter per the above rescheduled ENE conference.

WHEREAS, the parties hereby agree to seek to continue the further Case Management Conference of October 19<sup>th</sup> per order of the Court below, to occur subsequent to the currently set ENE conference of October 31, 2006.

WHEREAS, the ADR extension agreed upon by the parties will not disrupt or otherwise affect the trial date or other relevant dates in this case

THEREFORE, the parties stipulate, through their counsel of record, to the following:

(1) The ADR deadline cut off currently scheduled for September 25, 2006, shall be continued until the date of the continued case management conference, listed below; and

(2) The current case management conference of October 19<sup>th</sup> be continued to a date following the October 31, 2006, scheduled ENE conference.

IT IS SO STIPULATED.

DATED: October 10, 2006

LAW OFFICES OF HARRIET ROSS

By /S/  
Harriet Ross, Esq.  
Attorney for Plaintiff  
MERCCEL GAY

1 Dated: October 10, 2006

McNAMARA, DODGE, NEY, BEATTY, SLATTERY,  
PFALZER, BORGES & BROTHERS LLP

2  
3 By: /S/

4 James V. Fitzgerald, III  
5 Noah G. Blechman  
6 Attorneys for Defendants  
CITY OF PINOLE, SGT. WILL PALMINI, and  
OFFICER MATT MESSIER

7 Dated: October 10, 2006

JENKINS GOODMAN NEUMAN & HAMILTON LLP

8  
9 By: /S/

10 Robert Hamilton, Esq.  
11 Pavan L. Rosati, Esq.  
12 Attorneys for Defendant  
TOYS "R" US-DELAWARE, INC.

13  
14 ORDER

15 Pursuant to the Stipulation of the parties hereto, and good cause appearing, the Court  
16 hereby Orders as follows:

17 IT IS HEREBY ORDERED that the ADR deadline cut off currently scheduled for  
18 September 25, 2006, shall be continued until the date of the continued case management  
19 conference as listed below, and

20 IT IS FURTHER ORDERED that the parties' further case management conference  
21 set for October 19<sup>th</sup> shall be continued to December 15, 2006 at 2:00 p.m.  
22 November \_\_, 2006, at \_\_\_\_\_ in my department.

23 IT IS SO ORDERED.

24 Dated: October \_\_, 2006

25  
26 

27 HON. SUSAN ILLSTON  
28 United States District Court Judge